

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GUIDEONE MUTUAL INSURANCE
COMPANY

VS.

[illegible]

CIVIL ACTION NO. 1:14-CV-455

GRACE CHRISTIAN CENTER OF
KILLEEN, TEXAS, INC., D/B/A GRACE
CHRISTIAN CENTER CHURCH;
PAMELA TIMMERMAN,
INDIVIDUALLY AND AS THE
REPRESENTATIVE OF THE ESTATE OF
STEVEN TIMMERMAN, DECEASED;
LAURA WHITLEY PITTS; AND
STEPHEN WHITLEY

DEFENDANTS LAURA WHITLEY PITTS AND STEPHEN WHITLEY'S
INITIAL DISCLOSURES

Defendants Laura Whitley Pitts and Stephen Whitley hereby submit initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1) and an order by the Court in the above numbered cause dated August 11, 2014. These disclosures are based upon the information available to Defendants and their counsel as of the date signed below, and will be supplemented in accordance with the Federal Rules of Civil Procedure as additional information becomes available through discovery and investigation.

A. Individuals With Discoverable Information

1. Below are the names, addresses, and telephone numbers of each individual likely to have discoverable information that Defendants Whitley may use to support their claims or defenses, along with the information known to these individuals, to date. Defendants Whitley reserve the right to supplement the identity of other witnesses who have relevant knowledge as they become known through discovery.

- (1) Laurie Whitley Pitts
1026 E. Ebony Drive
Harlingen, TX 78550
956.367.5222
~ Defendant/Counter-claimant
- (2) Jim Pitts
1026 E. Ebony Drive
Harlingen, TX 78550
956.367.1520
~ Spouse of Laurie Whitley Pitts
- (3) Stephen (Steve) Whitley
521 E. Veterans Memorial Boulevard #502
Harker Heights, TX 76548
~ Defendant/Counter-claimant
- (4) Jennifer Abraham – Owner
The Dog Spot
P. O. Box 789
Salado, TX 76571
254.947.3647
~ Owner of kennel where Terry and Janice Whitley's dogs were boarded
- (5) Guideone Mutual Insurance Company
And its employees, agents and custodians of records\
Including
Sharron Burrough
1111 Ashworth Road
West Des Moines, IA 50265
877.488.4331
~ Plaintiff. Identified on incident report and insured the subject vehicle
- (6) Grace Christian Center of Killeen, Texas
d/b/a Grace Christian Center Church, Inc.
By and through its counsel of record
J. Matthew Anthony
ANTHONY & MIDDLEBROOK, P.C.
4501 Merlot Avenue
Grapevine, TX 76501
972.448.8777
~ Defendant
- (7) Cindi Adams
Hill Country Tire & Auto

And its employees, agents and custodian or records
605 W. Water Street
Burnet, TX 78611
512.756.149
~ *Inspected tire of van for Pflugerville Police Department*

- (8) Stephen Balard
709 W. 7th Street
Taylor, TX 76574
512.848.2732
~ *Provided witness statement to Pflugerville Police Department*
- (9) Tony Bolding
3042 Indigo Trail
Round Rock, TX 78665
512.922.6199
~ *Provided witness statement to Pflugerville Police Department*
- (10) Dr. Katherine Callahan
Deputy Medical Examiner
Travis County Office of the Medical Examiner
And its employees, agents and custodians of records
1213 Sabine Street
Austin, TX 78767
512.854.9599
~ *Performed autopsy on Terry and Janice Whitley*
- (11) City of Pflugerville
And its employees, agents and custodians of records
1611 East Pfennig
Pflugerville, TX
- (12) EMS Medic #3
Further information unknown at this time
- (13) Jose R. Hernandez
2518 Taylor Lane
Deer Park, TX 7753
713.301.2818
~ *Witness statement provided to Pflugerville Police Department*
- (14) Juanita R. Hernandez
2518 Taylor Lane
Deer Park, TX 77536
713.30.7634
~ *Witness statement provided to Pflugerville Police Department*

- (15) Cheri Madlon
21223 Grand National Avenue
Pflugerville, TX 78660
512.659.0506
~ *Witness statement provided to Pflugerville Police Department*
- (16) Alfred Martinez, Jr.
304 Craig Mont #B
Austin, TX 78745
512.920.8478
~ *Witness statement provided to Pflugerville Police Department*
- (17) Scott Murray – Service Manager
Nyle Maxwell
Maxwell Dealership
And its employees, agents and custodians of records
3000 N. IH 35
Round Rock, TX 78681
512.845.2001
~ *Witness provided tire specifications*
- (18) Natalie Paramore
2109 Nickerson Street
Austin, TX 78604
817.437.5163
~ *Witness statement provided to Pflugerville Police Department*
- (19) Pflugerville Fire Department
And its employees, agents and custodians of records
203 East Pecan St.
Pflugerville, TX 78660
512.251.2801
~ *Involved in providing support on the scene of the incident*
- (20) Pflugerville Police Department
And its employees, agents and custodian of records
1611 East Pfenning Lane
Pflugerville, TX 78660
512.670.5520
J. Jester #162
M. DeLa Rosa #130
A. Herrera #240
V. Donnelly #226
M. Neyland #83
J. Thyssen #196

C. Hooker #22
M. Wilson #101
K. Ritchie #257
S. Lozano #259
K. Armstrong #260
M. Neff #279
I. Limas #242
P. Gero #211
W. Edwards #700
J. Bruno #247
B. Anderson #58
S. Glimp #45
J. McLean #3
E. Castilla #217
R. Kerr #32
Investigating Officers

- (21) Linda Sexton
DOT
And its employees, agents and custodians of records
12719 Burnet Road
Austin, TX 78727
512.874.9301
~ *Witness regarding photos at toll booths*
- (22) Heather Starling
209 Delby Street
Hutto, TX 78634
512.797.3127
~ *Witness statement provided to Pflugerville Police Department*
- (23) Texas Department of Public Safety
And its employees, agents and custodians of records
216 Wells Branch Pkwy
Pflugerville, TX 78660
512.486.2800
~ *Provided motor vehicle inspection certificate*
- (24) Deon Upkins
2909 Campbelton Road
512.6632.4189
~ *Witness statement provided to Pflugerville Police Department*
- (25) Adele Wright
911 E. Olympic Drive
Pflugerville, TX 78660

512.251.4372

~ Witness statement provided to Pflugerville Police Department

- (26) John Wyatt
16536 SE 255th Ave.
352.272.8056
~ Witness statement provided to Pflugerville Police Department
- (27) Jackie Wilmot
Business Operations Manager for Grace Christian
1401 Elms Road
Killeen, TX 76542
254.634.6990
~ Knowledge of Grace Christian's finances, insurance policies and employee job descriptions
- (28) Jim Reed
Administrator and vice-president of the Board of Trustees at Grace Christian
1401 Elms Road
Killeen, TX 76542
254.634.6990
~ Knowledge of Grace Christian's insurance policies and employee job descriptions
- (29) Scott Wilmot
Adult Ministries Director and IT Director of Grace Christian
1401 Elms Road
Killeen, TX 76542
254.634.6990
~ Knowledge of Pastor Steve Timmerman's job description and responsibilities
- (30) Pam Timmerman
Former employee of Grace Christian and wife of Pastor Steve Timmerman
773 Rolling Hills Drive
Killeen, TX 76543
~ Knowledge of insurance policies
- (31) Mike Miller
Insurance agent for Grace Christian
455 E. Central Texas Exp.
Suite 102
Harker Heights, TX 76548
254.690.5000
~ Knowledge of Grace Christian's Insurance Policy

Other:

- Experts will be designated in accordance with the Court's Scheduling Order;
- Any person who gives a written or oral deposition in this case or who signs an affidavit that is filed with the Court in this case;
- Any other person identified in these discovery responses, any discovery responses of Plaintiff or other Defendants, or any supplemental or amended discovery responses.
- Whitleys reserve the right to supplement the identity of other witnesses who have relevant knowledge as their identities become available through discovery and investigation.

B. Relevant Documents, Electronically Stored Information Tangible Things

2. The following is a list of all documents, electronically stored information, and tangible things, described by category and location, that Defendants Whitley have in their possession, custody, or control and may use to support their claims or defenses, unless the use would be solely for impeachment. The following are located at the Law Offices of Steven C. Laird, P.C. unless otherwise noted:

- Accident Report
- Death Certificates of Terry Whitley and Janice Whitley

C. Information Related to Calculation of Damages

3. As this case seeks declaratory relief damages are generally inapplicable, except for attorney's fees. Whitleys are not seeking damages, except for attorney's fees, but merely adjudication regarding coverage.

D. Insurance

Not applicable.

Respectfully submitted,

By: /s/ Steven C. Laird
F. Leighton Durham III
State Bar No. 24012569
ldurham@kdplawfirm.com
Kirk L. Pittard
State Bar No. 24010313
kpittard@kdplawfirm.com
Peter M. Kelly
State Bar No. 00791011
pkelly@kdplawfirm.com
KELLY, DURHAM & PITTARD, LLP
P. O. Box 224626
Dallas, Texas 75222
214-946-8000 (Phone)
214-946-8433

and

Steven C. Laird
State Bar No. 11795440
laird@texlawyers.com
LAW OFFICES OF STEVEN C. LAIRD, P.C.
1824 8th Avenue
Fort Worth, Texas 76110
(817) 531-3000 (Phone)
(817) 923-2228
ATTORNEYS FOR DEFENDANTS
STEPHEN WHITLEY AND LAURIE
WHITLEY PITTS

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been forwarded by telefacsimile on the 15th day of September, 2014, to the following attorneys of record:

R. Chad Geisler
Ryan C. Bueche
GERMER BEAMAN & BROWN PLLC
301 Congress, Suite 1700
Austin, TX 78701
512.482.5173 (Phone)
512.472.0721 (Fax)

Lori Cole Magerko
P. O. Box 14503
P. O. Box 14503
Des Moines, IA 50306-3503
515.267.5121 (Phone)
515.267.5431 (Fax)
ATTORNEYS FOR GUIDEONE MUTUAL INSURANCE COMPANY

J. Matthew Anthony
Patrick Canon
ANTHONY & MIDDLEBROOK, P.C.
4501 Merlot Avenue
Grapevine, TX 76501
972.444.8777 (Phone)
972.444.8778 (Fax)
ATTORNEYS FOR GRACE CHRISTIAN CHURCH

Brantley W. White
SICO, WHITE, HOELSCHER, HARRIS & BRAUGH, LLP
900 Frost Bank Plaza
802 N. Carancahua
Corpus Christi, TX 78470
361.653.3300 (Phone)
361.653.3333 (Fax)

ATTORNEY FOR PAMELA TIMMERMAN

/s/ Steven C. Laird

Steven C. Laird